

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 43-49, 51-56, 58-62, 64, 65, 68, 70 and 71 are pending in the application, with claims 43, 47, 55, 61, 68 and 70 being the independent claims. Claims 1-42, 50, 57, 63, 66, 67 and 69 are sought to be canceled without prejudice to or disclaimer of the subject matter therein. Claims 70 and 71 were amended to include limitations from claims to which they depend. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 1, 27 and 30 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with written description requirement. Applicants traverse this rejection.

Claims 1, 27 and 30 have been canceled without prejudice to or disclaimer of the subject matter therein. Accordingly, applicants request that the rejection of claims 1, 27 and 30 under 35 U.S.C. §112, first paragraph, be withdrawn.

Previous Rejections under 35 U.S.C. § 112 that are maintained

The Examiner maintained the rejection of claims 1-3, 5-11, 13-22, 27-42, 45 and 46 under 35 U.S.C. §112, first paragraph, allegedly because the specification does not enable treating or ameliorating any cancer or disorder responsive to the induction of

apoptosis or treating breast cancer using all possible prodrugs of compounds of formula I or using a combination of instant compounds of formula I with other drugs. Applicants traverse this rejection.

Claims 1-3, 5-11, 13-22 and 27-42 have been canceled. Moreover, the specification (page 25, lines 9-17) discloses that "the compound of the invention may be administered together with the at least one known chemotherapeutic agent as part of a unitary pharmaceutical composition." Claim 45 requires that the pharmaceutical composition comprising the compounds of formula I additionally comprises at least one known cancer chemotherapeutic agent and claim 46 specifies the chemotherapeutic agent. The experimentation required to add a known cancer chemotherapeutic agent to the pharmaceutical composition of the compounds of formula I cannot be undue. Applicants respectfully request that the rejection be withdrawn.

The Examiner maintained the rejection to claims 43-46, 47-56, 58-62, 64, 65 and 68 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner alleged that the term "prodrug" in claims 43-46, 47-56, 58-62, 64, 65 and 68 is indefinite because specific prodrugs and methods of preparing them are not defined. Applicants traverse this rejection.

To expedite the prosecution of the pending claims, Applicants have amended claims 43, 44, 47, 55, 61 and 68 by deleting the term "prodrug." Reconsideration and withdrawal of the rejection of claims 43-46, 47-56, 58-62, 64, 65 and 68 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

Previous Objections that are maintained

The Examiner maintained objections to claims 1-3, 5-8, 10, 11, 13-16, 18-22, 27-49, 51-56, 58-62, 64, 65 and 68 as containing non-elected subject matter when R₁-R₈ is a fused aryl or fused heteroaryl group. Applicants respectfully traverse this objection.

Claims 1-3, 5-11, 13-22 and 27-42 have been canceled. Fused aryl and fused heteroaryl substituents in claims 43, 47, 54, 55, 61 and 65 have been removed. Claims 44-46, 48, 49, 51-53, 56, 58-60, 62, 64 and 68 do not contain fused aryl or heteroaryl substituents in positions corresponding to R₁-R₈. Accordingly, withdrawal of the objection to claims 1-3, 5-8, 10, 11, 13-16, 18-22, 27-49, 51-56, 58-62, 64, 65 and 68 as containing non-elected subject matter is respectfully requested.

Other Objections

In the Office Action Summary, the Examiner objected to claims 70 and 71, presumably because they depend from a rejected claim. Applicants traverse this objection.

Having overcome the rejections above, amended claims 70 and 71 do not depend from a rejected claim. Accordingly, Applicants request that this objection be withdrawn.

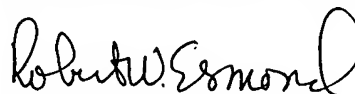
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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